UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al., Plaintiffs,	:	
v.	:	C.A. No. 03-335-L (Jury Trial Demanded)
AMERICAN FOAM CORP., et al., Defendants.	:	

ANSWER OF DEFENDANT JACK RUSSELL TOURING, INC. TO PLAINTIFFS' NOTICE OF ADOPTION OF THIRD AMENDED MASTER COMPLAINT

Pursuant to paragraph 4 of the Court's Consent Order entered in the *Gray* Litigation on February 2, 2006 and in response to Plaintiffs' Notice of Adoption of Third Amended Master Complaint, Defendant Jack Russell Touring, Inc. ("JRT") adopts and incorporates herein (1) its Answer to the *Gray* Plaintiffs' First Amended Master Complaint[1] and (2) its Answer to Plaintiffs' Notice of Adoption of the First Amended Master Complaint and Pro Forma Complaint,[2] including its affirmative defenses and jury trial demand.

Additionally, on March 17, 2006, JRT filed its Answer to the *Gray* Plaintiffs' Third Amended Master Complaint, which is adopted and incorporated herein.

SUPPLEMENTAL AFFIRMATIVE DEFENSE

In addition to its previously stated affirmative defenses, JRT specifically asserts that Plaintiffs failed to file in this action a timely Notice of Adoption of the *Gray* Plaintiffs' Third Amended Master Complaint prior to the expiration of the statute of limitations.

---

[1] *See* Docket Entry No. 270 in *Gray* (04-312-L).

[2] *See* Docket Entry No. 221 in this litigation.

WHEREFORE, Defendant Jack Russell Touring, Inc. respectfully requests that:

A. All claims within the scope of Plaintiffs' Notice of Adoption of Third Amended Master Complaint be dismissed with prejudice as to it;

B. Plaintiffs' demands for relief against it be denied in every respect; and

C. the Court grant such other and further relief as may be just, proper and equitable.

JACK RUSSELL TOURING, INC.

By Its Attorneys,

Fred A. Kelly, Jr. (By SMR)
Steven M. Richard

Fred A. Kelly, Jr. (#4553)
Steven M. Richard (#4403)
Nixon Peabody LLP
One Citizens Plaza
Providence, RI 02903
(401) 454-1000
(401) 454-1030 (Fax)

Edwin F. McPherson (Admitted *Pro Hac Vice*)
McPHERSON & KALMANSOHN, LLP
1801 Century Park East, 24th Floor
Los Angeles, CA 90067
(310) 553-8833
(310) 553-9233 (Fax)

Dated: March 17, 2006

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2006, I served a copy of the within Answer of Defendant Jack Russell Touring, Inc. to Plaintiffs' Notice of Adoption of Third Amended Master Complaint via e-mail to all counsel of record listed on the attached service list.

Steven M. Richard

John R. Mahoney
johnmahoney@amlawllp.com

Joseph V. Cavanagh, Jr.
Kristen E. Rodgers
stationfire@blishcavlaw.com

Stephen E. Breggia
sbreggia@bbglaw.us

Brian R. Cunha
Karen A. Alegria
Brian@Briancunha.com

C. Russell Bengtson
RBengtson@ckmlaw.com

Mark D. Cahill
Eric Bradford Hermanson
mcahill@choate.com

Patrick T. Jones
Peter Schneider
pjones@cmj-law.com

James R. Lee
jlee@riag.state.ri.us

Joseph B. Burns
jburns@rms-law.com

Steven A. Minicucci
William A. Filippo
sminicucci@calvinolaw.com

Bruce P. Keller
Michael Potenza
Bkeller@debevoise.com

Ralph J. Monaco
rmonaco.c-l@snet.net

Christopher C. Fallon, Jr.
Joseph J. Bellew
cfallon@cozen.com

Marc DeSisto
Kathleen M. Daniels
stationfire@desistolaw.com

Stephen M. Prignano
Stephen J. MacGillivray
sprignano@edwardsangell.com

Michael R. DeLuca
MRD@gsm-law.com

Eva Marie Mancuso
emancuso@hwac.com

Thomas R. Bender
James T. Murphy
Kelly N. Michels
stationfire@hansoncurran.com

Edward T. Hinchey
James Scanlon
Robert T. Norton
rnorton@sloanewalsh.com
ehinchey@sloanewalsh.com

Thomas C. Angelone
angelonelaw@aol.com

John R. Crockett, III
Carl H. Henlein
Susan S. Wettle
swettle@fbtlaw.com

Michael A. St. Pierre
mikesp@rrsplaw.com

Stephanie DiMaio Larivee
James Howe
singinglawyer@msn.com

Mark T. Nugent
Paul Sullivan
mnugent@morrisonmahoney.com

Mark C. Hadden
MHadden@mhaddenlaw.com

James A. Ruggieri
Gerald C. DeMaria
Suzanne O'Donoghue
jruggieri@hcc-law.com

Daniel J. Horgan
horganlaw@snet.net

Mark D. Tourgee
Timothy A. Williamson
aminchillo@itwlaw.com

John J. Nazzaro
attynazzaro@aol.com

Charles N. Redihan
credihan@kprlaw.com

Matthew F. Medeiros
mfm@lmkbw.com

Mark S. Mandell
Yvette M. Boisclair
msmandell@msn.com

W. Thomas McGough, Jr.
James J. Restivo, Jr.
tmcgough@reedsmith.com

Anthony F. DeMarco
Mark Reynolds
tdemarco@conversent.net

Earl H. Walker
Charles L. Babcock
Nancy W. Hamilton.
CBabcock@jw.com

James H. Reilly, III
Donald J. Maroney
dmaroney@kkrs.com

Richard W. MacAdams
Rmacadams@mandwlaw.com

George E. Wolf, III
Ann M. Songer
GWolf@shb.com

Andrew J. Trevelise
atrevelise@reedsmith.com

Mark P. Dolan
Anthony R. Leone
Ricedolank@aol.com

Ronald P. Langlois
Lauren DiSimone Wilkins
Stationfire@smithbrink.com

Edward M. Crane
Kimberly A. Simpson
Deborah G. Solmor
ecrane@skadden.com

Thomas W. Lyons, III
tlyons@straussfactor.com

Howard A. Merten
Hmerten.station@psh.com

Max H. Wistow
John P. Barylick
jdean@wistbar.com

Howard J. Julian
sohohomes@yahoo.com

J. Renn Olenn
KBH@olenn-penza.com

Robert I. Reardon, Jr.
Tracy L. Poppe
Reardonlaw@aol.com

Scott J. Tucker
STucker@ths-law.com

Allen J. McCarthy
Michael J. Mazurczak
amccarthy@melicklaw.com

T. Dos Urbanski
StationLitigation@melicklaw.co
m

Stephen Fogerty
fogerty@halloran-sage.com

Lawrence J. Cappuccio
l.cappuccio@worldnet.att.net

Esquire
stationfire@esquirecom.com

James A. Bigos
jim@b-plaw.com

Russell Bramley, Esq.
Bramley@hbhlaw.net